

EAST LYME PLANNING COMMISSION

Regular Meeting

Tuesday, August 6, 2013

PRESENT: Brian Schuch, Chairman, Rita Palazzo, Frank Balantic, Secretary, Francine Schwartz, Ernie Covino, Joan Bengtson

ALSO PRESENT: Gary Goeschel, Planning Director, Ex-Officio, Rose Ann Hardy (Present for half of the Meeting.)

ABSENT: Frank Balantic, Secretary, Catherine Ladd, Alternate

Chairman Schuch called this Regular Meeting of the Planning Commission to order at 7:06PM.

Pledge of Allegiance

The Pledge was observed.

FILED IN EAST LYME
CONNECTICUT
Aug 9 2013 AT 9:30 AM PM
K. A. Schuch, Clerk
EAST LYME TOWN CLERK

I Additions to the Agenda

There were no additions to the Agenda.

II Public Delegations

Public Delegations is the time when members of the public are invited to speak to the Commission about certain matters. Issues or concerns related to approved subdivisions under construction (Item VI) and in-house proposals or general topics of discussion (Item VIII) are open to comment. Items, referrals, or applications subject to a decision by the Commission, a public hearing, or in litigation may not be discussed. The members of the Commission will not directly answer questions or make comment during delegations.

Mr. Schuch called for Public Delegations.

There were no Public Delegations.

III Approval of Minutes- Regular Meeting Minutes of June 4, 2013

Mr. Schuch called for any discussion or corrections to the Planning Commission Regular Meeting Minutes of June 4, 2013. There were no corrections to the Meeting Minutes.

****Motion (1)**

Mr. Covino moved to approve the Planning Commission Regular Meeting Minutes of June 4, 2013.
Ms. Bengtson seconded the motion.
Vote: 5-0-0. Motion passed.

IV Public Hearing

- A. Application of GPF Flanders Plaza, LLC, owner for waivers from Section 4-2-3 (A),(B),(C),(J), Section 4-2-4 through Section 4-2-15, and Section 7-2-1 of the East Lyme Subdivision Regulations, and for a two lot subdivision of 6.13-acres of property located at 15 Chesterfield Road, East Lyme, CT, property identified on the East Lyme Assessor's Map # 31.1, Lot 55.

Mr. Goeschel noted for the record that a legal notice regarding this hearing was published in the New London Day Newspaper on July 26, 2013 as well as August 2, 2013. He noted staff communication, including his own (Exhibit A) and a Map (Exhibit B) of the property are included in the Member Packet.

Attorney Theodore Harris of 351 Main Street came forward on behalf of GPF Flanders Plaza, LLC. He stated that this is an Application for a subdivision of a portion of Flanders Plaza, specifically relating to the portion of the property currently occupied by CVS Pharmacy.

Mr. Harris explained that the plaza was originally constructed in the mid 1970's and renovated in 2009, when McDonalds was relocated and the CVS Pharmacy was built. The construction was based on a Special Permit issued by the East Lyme Zoning Commission, which included significant alterations to the site, and upgrades of drainage and other systems. He added that traffic analysis was conducted and that a Certificate was issued by the State Department of Transportation. The traffic analysis was reviewed in detail before the Zoning Commission.

Mr. Harris clarified for the Planning Commission that no physical changes would occur, that the purpose of the subdivision is to isolate, for ownership purposes only, the CVS portion of the premises, and to revise existing cross easements within the plaza to reflect the differences in ownership. The site would operate as one entity, which is how it operates today. No one driving through the plaza will notice a difference. The proposed lot line would replace an existing lease line between the plaza owners and CVS Pharmacy.

Mr. Harris explained that the waiver requests are not actually relevant to the site because it is already built rather than an application for new construction. No disturbance of the site would occur thereby negating the necessity for a Natural and Cultural Resources and Site Analysis Plan (A), an Archeological Survey (B), or a Biological survey (C). The site is also unique as it relates to the waiver request for Open Space (J), given that the site is entirely commercial and no functional open space exists.

Mr. Covino questioned the impact of the revised covenants and Mr. Harris clarified that the covenants will bound this property for the future, as they do now for McDonalds.

Mr. Schuch questioned whether the Archeologist should be called given that Calkin's Tavern once stood there. Mr. Harris noted that CVS Pharmacy is now on top of the former Calkin's Tavern location, and Mr. Covino stated that there is no point in contacting an Archeologist when already built construction exists over what used to be the Tavern. Mr. Harris noted that it would have been ideal for an Archeologist to visit the location prior to the construction of the first McDonalds.

Mr. Goeschel stated that he would not be opposed to the idea of a conservation easement regarding the portion of Latimer Brook that the property runs across. Mr. Harris stated that his client would be more than happy to agree to such an agreement.

****Motion (2)**

Ms. Palazzo motioned to continue the Public Hearing to September 3, 2013 during which time, Mr. Harris will present the plans for the conservation easement.

Ms. Bengtson seconded the motion.

Vote: 5-0-0. Motion passed.

V Zoning Referral

There were none.

VI 8-24 Referrals (Municipal Improvements)

There were none.

VII OTHER BUSINESS

A New Business

- i Request of Jeffrey A. Torrance, for New England National, LLC for a release of a \$6,000.00 Erosion and Sedimentation Bond for Phase 5 of the Darrow's Ridge Subdivision.

The Applicant, Jeffrey Torrance of 197 Upper Pattagansett Road, came forward to explain the history of the Bond, which has been held in Trust by Attorney Harris. Mr. Torrance noted that this Bond concerns the last section of Darrow's Ridge which has a common driveway that serves six lots. A pipe was installed for drainage and the Members of the Planning Commission at the time wanted an Erosion and Sedimentation Bond until the pipe installation was complete and the driveway was paved.

Mr. Covino asked Mr. Torrance to confirm that all the desired work was completed and he responded that it has been completed. Ms. Palazzo and Mr. Covino asked whether some type of field verification would be needed and Mr. Goeschel stated that this would be the mechanism by which to do so. Mr. Goeschel stated that he would be happy to visit the site, verify that the work is completed, submit his findings into the record, and recommend that the Bond be released. The Commission decided to wait until their next meeting when they receive Mr. Goeschel's report, before finalizing the release of the Bond.

- ii. Application of GPF Flanders Plaza, LLC, owner for waivers from Section 4-2-3 (A),(B),(C),(J), Section 4-2-4 through Section 4-2-15, and Section 7-2-1 of the East Lyme Subdivision Regulations, and for a two lot subdivision of 6.13-acres of property located at 15 Chesterfield Road, East Lyme, CT, property identified on the East Lyme Assessor's Map # 31.1, Lot 55.

This Application has been continued until September 3, 2013.

- iii. Nottingham Hills Subdivision

Mr. Torrance explained that he has been discussing with the Town a kind of punch list as it relates to public improvements of the Nottingham Hills Subdivision. At the time Phase IIA of Nottingham Hills was completed, no public turnaround existed. 52 acres of open space was deeded early on per the request of First Selectman Fraser. The acreage really wasn't part of the subdivision, so the location of open space was unique in that respect. Nottingham Hills wanted to ensure an access point to comply with Zoning Regulations, so a right-of-way was put in. The Town acquired this right of way along with the fifty plus acreage. There is public access to the open space from Upper Pattagansett Road but the Subdivision access consists of a 25 foot swath of land up a steep incline and Nottingham Hills wants to know if they are required to improve upon that.

Mr. Torrance stated that Mr. Goeschel and he had reviewed the Meeting Minutes from this time, but that they are silent on whether this swath of land should be improved upon. Ms. Bengtson stated that her concern is whether we need clarification publically as to why the open space is now owned by the town. Mr. Torrance stated that it is acceptable to deed open space to the Town and that it will be perpetually classified as open space.

Mr. Schwartz stated that it was desirable to have this land deeded to the Town because it could be linked to the Yale property. Mr. Covino stated that the connecting value no longer has relevance. Mr. Torrance stated that they seek clarification as to whether it is necessary for them to clear this land. Mr. Goeschel stated that we have the luxury of determining an alternate means of public access since the Town owns the land. Mr. Goeschel stated that he is awaiting response regarding the Trail Grant the Town has applied for, but that he is confident that the residents will eventually have greater access to their Open Space.

The Planning Commission took a recess at 8:38PM.

The Planning Commission reconvened at 8:52 PM.

Mr. Schuch stated that in consideration of the Town's purchase of the Darrow Pond Parcel and in consideration of the proposed 200-acre Conservation Easement over said Parcel, the residents of the Nottingham Hills Subdivision will most likely have continued public access to the open space parcel provided as part of the Nottingham Hills Phase IIA Subdivision. As such, clearing the 25-foot right-of-way initially intended to provide access to said open space is no longer necessary.

B Old Business

There was none.

VIII REPORTS

1. Chairman

Mr. Schuch stated that he had nothing to report at this time.

2. Ex-Officio- Rose Ann Hardy

Ms. Hardy left the Meeting halfway through the Meeting.

3. Zoning Representative

a. Liaison Schedule Assignments

Ms. Palazzo stated that she would cover the Zoning Meetings previously assigned to Ms. Ladd and Mr. Schuch stated that he would cover the Meeting previously assigned to Ms. Nee

4. Regional Planning Commission Representative- Brian Schuch, Luane Lange

Mr. Schuch stated that they did not meet.

5. Subcommittees

• Sustainable Development and Climate Adaptation- (Gary Goeschel, Francine Schwartz)

Ms. Schwartz stated that she had nothing to report at this time.

Mr. Goeschel stated that he has applied for a Grant which would devise improved notification of emergency evacuation. He also added that after November discussion regarding a steering committee for Climate Adaptation would be prudent.

Mr. Goeschel also reported that Chapter 4 of the POCD, which consists of Economic Development, needs a great deal of work.

6. Staff Communications

• Route 11 Greenway Authority Commission

Mr. Goeschel stated that there was nothing new in terms of Route 11 but that in terms of staff matters, Ms. Ladd has resigned her position of Alternate Planning Commission Member.

ADJOURNMENT

****Motion (3)**

Ms. Palazzo moved to adjourn this Regular Meeting of the East Lyme Planning Commission at 9:01 PM.

Mr. Covino seconded the motion.

Vote: 5 -0-0. Motion passed.

Respectfully submitted,

Brooke D. Stevens

Brooke Stevens,
Recording Secretary